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2 UNITED STATES DISTRICT COURT
3 CENTRAL DISTRICT OF CALIFORNIA
4 WESTERN DIVISION
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6 NADINE HAYS,)
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PLAINTIFF,)
VS.) CASE CV 12-10219-DMG(PJWX)
LOS ANGELES POLICE DEPARTMENT,)
ET AL.,) LOS ANGELES, CALIFORNIA
DEFENDANT.) APRIL 10, 2014

TELEPHONIC HEARING
BEFORE THE HONORABLE PATRICK J. WALSH
UNITED STATES MAGISTRATE JUDGE

APPEARANCES: SEE NEXT PAGE
COURT REPORTER: RECORDED; XTR
COURTROOM DEPUTY: JACOB YERKE
TRANSCRIBER: DOROTHY BABYKIN
COURTHOUSE SERVICES
1218 VALEBROOK PLACE
GLEN DORA, CALIFORNIA 91740
(626) 963-0566

PROCEEDINGS RECORDED BY ELECTRONIC SOUND RECORDING;
TRANSCRIPT PRODUCED BY TRANSCRIPTION SERVICE.

1 APPEARANCES: (CONTINUED)

2 FOR THE PLAINTIFF: NADINE HAYS
PRO SE

3 FOR ALL DEFENDANTS LOS ANGELES CITY ATTORNEY'S OFFICE
4 EXCEPT ROBERT TAYLOR: BY: ELIZABETH L. GREENWOOD
DEPUTY CITY ATTORNEY
5 CITY HALL EAST
200 NORTH MAIN STREET
6 6TH FLOOR
LOS ANGELES, CALIFORNIA 90012

7 FOR ROBERT TAYLOR: GORDON & REES LLP
8 BY: LISA K. GARNER
ATTORNEY AT LAW
9 633 WEST FIFTH STREET
52ND FLOOR
10 LOS ANGELES, CALIFORNIA 90071

I N D E X
CASE NO. CV 12-10219-DMG(PJWX) APRIL 10, 2014
PROCEEDINGS: TELEPHONIC HEARING ON DISCOVERY DISPUTES

1 LOS ANGELES, CALIFORNIA; THURSDAY, APRIL 10, 2014

2 THE CLERK: CALLING ITEM 1, NADINE HAYS VERSUS LOS
3 ANGELES POLICE DEPARTMENT, LAPD, ET AL., CV 12-10219.

4 COUNSEL AND MS. HAYS, IF YOU'D PLEASE STATE YOUR
5 APPEARANCES FOR THE RECORD.

6 MS. HAYS: -- PLAINTIFF.

7 MS. GARNER: LISA GARNER FOR DEFENDANT ROBERT
8 TAYLOR.

9 MS. GREENWOOD: ELIZABETH GREENWOOD FOR THE REST OF
10 THE DEFENDANTS.

11 THE COURT: GOOD AFTERNOON, COUNSEL. AND GOOD
12 AFTERNOON, MS. HAYS.

13 WHAT'S UP?

14 MS. GREENWOOD, WHY DON'T YOU SUMMARIZE FOR ME
15 WHAT'S HAPPENING.

16 MS. GREENWOOD: I GOT A CALL -- WELL, THERE ARE A
17 FEW THINGS GOING ON.

18 ONE, I GOT A CALL YESTERDAY FROM THE CITY ATTORNEY
19 WHO ADVISES MEDICAL RECORDS. AND WE PLAYED PHONE TAG BACK
20 AND FORTH. SHE INDICATED THAT THEY WERE GOING TO -- THEY HAD
21 RECEIVED A SIGNED RELEASE, AND THEY WERE GOING TO GIVE THE
22 MEDICAL RECORDS TO MS. HAYS. AND SHE WANTED TO KNOW IF I
23 WANTED A COURTESY COPY.

24 I CALLED HER BACK, LEFT A VOICEMAIL, REPLIED YES.

25 AND WHEN I GOT BACK TO MY OFFICE IN THE AFTERNOON

1 THEY WERE WAITING ON -- THE COURTESY COPY WAS WAITING ON MY
2 CHAIR.

3 MS. HAYS CAME IN THIS MORNING AND SAID THAT SHE HAD
4 SPENT THE MORNING SOMEWHERE ELSE IN THE CITY, AND THAT THEY
5 HAD TOLD HER THAT I WAS IN CHARGE OF THE MEDICAL RECORDS, AND
6 I WAS THE ONLY ONE WHO COULD RELEASE THEM. AND SHE WANTED TO
7 CALL YOU RIGHT AWAY SO THAT SHE COULD LET YOU KNOW THAT I WAS
8 WITHHOLDING THEM.

9 I TOLD HER THAT I HAD ASSUMED THEY HAD BEEN
10 RELEASED, THAT I HAD RECEIVED A COURTESY COPY. SHE THEN GOT
11 UPSET THAT I HAD RECEIVED THE COURTESY COPY BECAUSE THAT
12 VIOLATED HER RIGHTS AND WANTED TO TALK TO YOU ABOUT THAT.

13 I WENT AND MADE COPIES FOR HER AND HANDED THEM TO
14 HER. THESE ARE THE -- IT'S FOUR PAGES OF MEDICAL RECORDS
15 FROM WHEN SHE WAS IN JAIL. SO, SHE'D LIKE TO TALK TO YOU
16 ABOUT THAT. THAT'S ISSUE NUMBER ONE.

17 ISSUE NUMBER TWO IS I WORK WITH A DETECTIVE TO HELP
18 ME WITH THE INVESTIGATION ON ALL OF MY CASES. SHE IS
19 DEMANDING TO SIT DOWN AND MEET WITH HIM AND GO OVER THE VIDEO
20 SO THAT HE CAN IDENTIFY WHO OFFICERS ARE.

21 I'VE TOLD HER THAT HE WAS NOT A PERCIPIENT WITNESS,
22 THAT ANY INVESTIGATION THAT HE AND I CONDUCT IS WORK PRODUCT,
23 AND THAT SHE -- THIS IS NOT A PROPER -- IT'S NOT A PROPER
24 DISCUSSION WITH HIM. HE IS NOT HER WITNESS. SHE NEEDS TO GO
25 THROUGH THE PROPER DISCOVERY CHANNELS USING THE FRCP.

1 AND, THEN, FINALLY, THE ONLY OTHER ISSUE THAT HAS
2 COME UP IS THE SCHEDULING. SINCE WE -- SINCE WE MOVED THE
3 DISCOVERY DATE TO MAY 5TH, I WOULD LIKE TO TALK ABOUT BUMPING
4 BACK THE EXCHANGE OF EXPERTS AND EVERYTHING ELSE ONE MORE
5 MONTH AS WELL. BUT THAT CAN WAIT, OR WE CAN DO IT BY MOTION.
6 BUT WHILE YOU'RE ON THE PHONE, THAT WOULD BE --

7 THE COURT: ALL RIGHT.

8 MS. HAYS, HERE'S THE STORY. ON THE MEDICAL
9 RECORDS, COUNSEL IS ENTITLED TO HAVE A COPY OF THE MEDICAL
10 RECORDS.

11 DO YOU UNDERSTAND THAT?

12 WHEN YOU SUBPOENA RECORDS, THAT YOU REQUEST RECORDS
13 BOTH SIDES GET THEM. SO, MS. GREENWOOD IS COMPLETELY WITHIN
14 HER RIGHTS TO HAVE YOUR MEDICAL RECORDS.

15 DO YOU WANT TO RESPOND TO THAT, MS. HAYS?

16 MS. HAYS: I WAS NOT AWARE OF THAT, YOUR HONOR. I
17 THOUGHT THAT I NEEDED TO SIGN A RELEASE.

18 THE COURT: I UNDERSTAND YOU'RE NOT AWARE OF IT,
19 MS. HAYS. FROM MY EXPERIENCE WITH YOU OVER THE LAST THREE
20 YEARS YOU'RE LIKE MOST PRO SE PLAINTIFFS. THEY'RE NOT AWARE
21 OF THE LAW. THEY DIDN'T GO TO LAW SCHOOL. THEY DIDN'T STUDY
22 LAW. I'M NOT CRITICIZING YOU FOR THAT. THAT'S THE RULE.
23 OKAY.

24 SO, THAT ISSUE IS NOW RESOLVED.

25 NUMBER TWO, SHE HAS A DETECTIVE WHO WORKS AS AN

1 ASSISTANT IN HER CASES. YOU CANNOT HAVE ACCESS TO THAT
2 DETECTIVE. HE WASN'T THERE. HE'S NOT A PERCIPIENT WITNESS.
3 HIS GOAL AND HIS ROLE IS TO HELP MS. GREENWOOD DEFEAT YOUR
4 CASE. NO, YOU MAY NOT SIT DOWN WITH HIM AND FIND OUT ALL THE
5 THINGS HE SHARED WITH MS. GREENWOOD. THAT PROHIBITED UNDER
6 HICKMAN VERSUS TAYLOR -- ANOTHER CASE THAT I VENTURE TO GUESS
7 YOU'RE NOT FAMILIAR WITH. I'M NOT HERE TO COMPLAIN. YOU
8 MAYBE SHOULDN'T KNOW ABOUT HICKMAN VERSUS TAYLOR. BUT HER
9 WORK PRODUCT IS PROTECTED AND PRIVILEGED AND YOU MAY NOT HAVE
10 IT.

11 YOU CAN RESPOND, MS. HAYS.

12 MS. HAYS: WELL, I WAS UNDER THE UNDERSTANDING WITH
13 THE WAY THE COURT WAS MAKING THE REQUIREMENT FOR THE MEDICAL
14 RECORDS PEOPLE TO BE HERE IN COURT ON FRIDAY THAT THE MEDICAL
15 RECORDS WERE MY ENTITLEMENT. THEY'RE MY RECORDS. I SIGNED
16 THE RELEASE. AND THEY SHOULD HAVE BEEN GIVEN TO ME. AND
17 THEY KEPT WITHHOLDING THEM. I WENT IN THERE. I MADE CALLS,
18 AND THEY DIDN'T EVEN RESPOND TO MY PHONE CALLS.

19 THE COURT: MS. HAYS, CAN I STOP YOU FOR A MINUTE.

20 MS. HAYS: YES.

21 THE COURT: WE'RE DONE WITH THE MEDICAL RECORD
22 ISSUES.

23 MS. HAYS: OKAY.

24 THE COURT: I WANT TO TELL YOU SOMETHING. I'M NOT
25 DECIDING THE SAME ISSUE TWICE. I GAVE YOU A CHANCE TO RAISE

1 YOUR OBJECTIONS. YOU DID. WE MOVED ON TO THE DETECTIVE. I
2 ASKED YOU TO RESPOND TO THE DETECTIVE, AND YOU'RE MOVING BACK
3 TO THE MEDICAL RECORDS.

4 YOU CAN UNDERSTAND MY FRUSTRATION. IF I LET THE
5 PARTIES MAKE ME GO BACK AND FORTH ON ALL THE ISSUES, I WOULD
6 SPEND MY WHOLE DAY IN HEARINGS.

7 MEDICAL ISSUES ARE RESOLVED AGAINST YOU. SHE CAN
8 COPIES OF THEM. SHE'S ENTITLED TO THEM. THEY HAVE GIVEN YOU
9 A COPY OF YOUR OWN RECORDS THAT'S ALL YOU'RE ENTITLED TO.

10 ANY FURTHER DISCUSSION ON MEDICAL RECORDS SHOULD BE
11 IN THE NATURE OF AN APPEAL TO JUDGE GEE OR AFTER THE CASE IS
12 OVER TO THE NINTH CIRCUIT COURT OF APPEALS.

13 PLEASE DO NOT BRING UP THE MEDICAL RECORDS WITH ME
14 ANYMORE UNLESS IT'S AN ISSUE WE HAVEN'T ALREADY RESOLVED.

15 YOUR TIME RIGHT NOW, THIS TIME THAT I'M ALLOTING
16 YOU IS TO RESPOND TO THE WORK-PRODUCT DOCTRINE AND THE
17 ATTORNEY WORK PRODUCT THAT MS. GREENWOOD IS CLAIMING HERE AND
18 I'M UPHOLDING.

19 DO YOU HAVE ANYTHING TO SAY ABOUT HER BEING
20 REQUIRED TO OR NOT BEING REQUIRED TO HAVE HER DETECTIVE SIT
21 DOWN WITH YOU AND TELL HER -- TELL YOU WHAT HE'S TOLD MS.
22 GREENWOOD?

23 MS. HAYS: YOUR HONOR, WHAT I HAVE SUGGESTED TO MS.
24 GREENWOOD IS THAT, NUMBER ONE, WHENEVER --

25 (PAUSE IN PROCEEDINGS.)

1 MS. HAYS: -- WHENEVER I HAVE THINGS THROWN AT ME
2 THAT TO ME ARE UNPROFESSIONAL, IT TRIGGERS ME. AND WHEN IT
3 TRIGGERS ME, IT JUMBLES MY MIND AND I CAN'T THINK.

4 SO, I'M TRYING TO THINK OF WAYS TO TRY TO RESOLVE
5 THESE CURRENT ISSUES. I HAVE NOT BEEN ALLOWED YET ON MY
6 SCHEDULE TO DEPOSE THE OFFICERS.

7 SO, MY SUGGESTION TO MS. GREENWOOD -- BECAUSE I
8 DON'T THINK THAT SHE'S GOING TO LIKE MY ANSWERS THAT I GIVE
9 HER TODAY. I CAN'T. I CAN'T. I CAN'T -- I CAN'T EVEN LOOK
10 AT THE VIDEO -- EVEN THOUGH THEY'VE IDENTIFIED THE OFFICERS.
11 I MEAN, A FEW OF THE OFFICERS I CAN IDENTIFY, BUT SOME OF
12 THEM I CAN'T.

13 SO, HOW CAN I ANSWER THE QUESTIONS IN THE DEPO IF I
14 DON'T KNOW WHO THAT PERSON IS IN THE VIDEO.

15 THE COURT: YOU ANSWER THE QUESTIONS TO THE BEST OF
16 YOUR ABILITY. AND WHEN YOU DON'T KNOW WHO SOMEONE IS, THE
17 QUESTION -- THE ANSWER IS I DON'T KNOW WHO THAT IS. IF AT A
18 LATER DATE YOU DETERMINE WHO THAT IS, YOU CAN LET MS.
19 GREENWOOD KNOW, OR YOU CAN SUPPLEMENT YOUR DISCOVERY
20 RESPONSES, OR YOU CAN WRITE HER A LETTER, AN EMAIL,
21 INFORMALLY AND TELL HER THAT I NOW KNOW THAT OFFICER X, WHO I
22 COULD NOT IDENTIFY IN MY DEPOSITION, IS NAMED BOB SMITH. BUT
23 THAT'S A DIFFERENT ISSUE.

24 HERE'S YOUR JOB TODAY. YOUR JOB IS TO ANSWER THE
25 QUESTIONS TRUTHFULLY TODAY. THAT'S YOUR JOB. AND IF YOU

1 TRUTHFULLY DON'T KNOW WHO SOMEONE IS, IT'S A REALLY SIMPLE
2 JOB TO DO. I DON'T KNOW WHO THAT IS.

3 WHAT IS HARD ABOUT THAT, MS. HAYS?

4 MS. HAYS: WELL, THAT'S WHAT I TOLD HER. I WOULD
5 DO THE BEST TO MY ABILITY, BUT THERE AREN'T TOO MANY OF THE
6 OFFICERS THAT I'LL BE ABLE TO GIVE ANY CONCRETE ANSWERS
7 TODAY.

8 BUT AM I NOT ENTITLED TO ASK FOR A PICTURE WITH A
9 NAME OF THE OFFICERS THAT HAVE BEEN NAMED ON THE REPORT? I
10 MEAN, AM I NOT ENTITLED TO KNOW THEIR IDENTIFICATION SO THAT
11 I CAN MATCH THE PERSON WITH THE VIDEO. I HAVE FOUR OFFICERS
12 THAT WERE THERE ON THE DAY OF MY ARREST. I'VE GOT THEIR
13 NAMES. IT'S IN THE ARREST REPORT.

14 THE COURT: HOW ABOUT YOU TAKE THEIR DEPOSITION.
15 YOU SHOW THEM THE VIDEO. AND YOU ASK THEM TO IDENTIFY WHO'S
16 IN THERE. HOW ABOUT YOU TRY THAT. OKAY.

17 MS. HAYS: OKAY.

18 THE COURT: WHAT ARE YOU -- ARE YOU ASKING MS.
19 GREENWOOD TO GO TAKE THEIR PICTURES?

20 MS. HAYS: NO. WELL, I FIGURED THEY COULD TAKE
21 THEIR DRIVER'S LICENSE AND JUST HAVE A NAME AND A PICTURE --
22 NOT ANY OF THE PERSONAL INFORMATION.

23 THE COURT: ALL RIGHT. WELL, IF YOU ASK FOR THAT
24 IN DISCOVERY, MS. GREENWOOD WILL ADDRESS IT. I'M NOT GOING
25 TO ADDRESS IT NOW.

1 OKAY. SO, THAT'S -- NOW WE KNOW. FOR THE
2 DEPOSITION TODAY, YOU ANSWER THE QUESTIONS TO THE BEST OF
3 YOUR ABILITY.

4 FOR THE DEPOSITIONS OF THE OFFICERS, YOU CAN JUST
5 SUBPOENA THE -- YOU CAN GIVE MS. GREENWOOD A NOTICE OF
6 DEPOSITION OF THE DEFENDANTS. AND THEY WILL COME TO THEIR
7 DEPOSITION. AND YOU CAN SEE WHO THEY ARE.

8 AS FAR AS OFFICERS THAT ARE NOT DEFENDANTS WHO YOU
9 WANT TO DEPOSE, YOU CAN SUBPOENA THEM. BUT YOU HAVE TO
10 GATHER THAT INFORMATION. THAT'S NOT MY ROLE. OKAY.

11 MS. HAYS: YES, YOUR HONOR.

12 THE COURT: ALL RIGHT.

13 THE LAST THING, SCHEDULING.

14 MS. GREENWOOD, YOUR REQUEST TO EXTEND THE DEADLINES
15 ARE GRANTED. YOU AND MS. HAYS AND MS. GARNER WORK OUT THE
16 NEW DEADLINES. PUT A STIPULATION TOGETHER AND PROPOSED
17 ORDER. AND I'LL SIGN IT. ALL RIGHT.

18 MS. GREENWOOD: OKAY.

19 THANK YOU, YOUR HONOR.

20 MS. GARNER: THANK YOU, YOUR HONOR.

21 THE COURT: ANYTHING ELSE I HAVE TO DO BEFORE I LET
22 YOU GO TODAY?

23 MS. HAYS.

24 MS. HAYS: NO, YOUR HONOR.

25 THE COURT: MS. HAYS, DO THE BEST JOB YOU CAN. I

1 UNDERSTAND THERE'S SOME LIMITATIONS HERE. YOU DON'T HAVE ALL
2 THE INFORMATION YOU THINK YOU NEED. YOU JUST ARE UNDER THE
3 SAME RULE THAT EVERYBODY WHO EVER HAS THEIR DEPOSITION HAS
4 TAKEN. YOU DO THE BEST JOB YOU CAN. AND YOU REMEMBER THAT
5 YOUR ANSWERS ARE UNDER OATH.

6 IF YOU CANNOT ANSWER A QUESTION, YOU TELL
7 MS. GREENWOOD I CANNOT ANSWER THAT AND YOU TELL HER WHY.

8 ALL RIGHT.

9 MS. HAYS: YES.

10 THE COURT: ALL RIGHT.

11 AND MS. GARNER'S -- AND THE SAME WITH MS. GARNER'S
12 QUESTIONS.

13 ALL RIGHT. MS. GREENWOOD, ANYTHING FURTHER I CAN
14 HELP YOU OUT WITH TODAY?

15 MS. GREENWOOD: NO, YOUR HONOR.

16 THANK YOU VERY MUCH.

17 THE COURT: MS. GARNER, ANYTHING?

18 MS. GARNER: NO.

19 THANK YOU, YOUR HONOR.

20 THE COURT: ALL RIGHT, FOLKS.

21 I'M SORRY I WAS AT LUNCH. I USUALLY DON'T GO TO
22 LUNCH, AT LEAST I DON'T LEAVE THE BUILDING. I WENT FOR LUNCH
23 TODAY, BUT I'M GOING TO BE AROUND FOR THE REST OF THE DAY.
24 AND I WILL BE AROUND TOMORROW.

25 MS. GREENWOOD: THANK YOU, YOUR HONOR.

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THE COURT: THANKS A LOT, FOLKS.

BYE-BYE.

MS. GREENWOOD: BYE-BYE.

(PROCEEDINGS ADJOURNED.)

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C E R T I F I C A T E

I CERTIFY THAT THE FOREGOING IS A CORRECT
TRANSCRIPT FROM THE ELECTRONIC SOUND RECORDING OF THE
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

/S/ DOROTHY BABYKIN

6/27/14

FEDERALLY CERTIFIED TRANSCRIBER

DATED

DOROTHY BABYKIN

